

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: LTDS CORPORATION, Complainant, v. IOWA TELECOMMUNICATIONS SERVICES, INC., d/b/a IOWA TELECOM Respondent.	DOCKET NO. FCU-00-4
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**ORDER DOCKETING COMPLAINT, ESTABLISHING PROCEDURAL SCHEDULE,
SHORTENING TIME FOR RESPONSES, AND GRANTING JOINT MOTION**

(Issued October 6, 2000)

On August 28, 2000, LTDS Corporation (LTDS) filed a complaint against Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom). LTDS's complaint was filed pursuant to Iowa Code §§ 476.101(8) and 476.3(1) (1999) and 199 IAC ch. 6 (1999). LTDS alleges Iowa Telecom is refusing to interconnect with LTDS in violation of federal and state statutes and the Utilities Board (Board) approved interconnection agreement between LTDS and Iowa Telecom.

Iowa Telecom filed an answer to the complaint on September 7, 2000, stating that it does not refuse to interconnect with LTDS, but disputes LTDS's interpretation

of how (or whether) Internet traffic should be exchanged pursuant to the interconnection agreement.

Iowa Code § 476.101(8) provides, in relevant part, that when the Board initiates formal complaint proceedings in response to a written complaint regarding a local exchange carrier's compliance with sections 476.96 through 476.102, "[t]he board shall render a decision in the proceeding within 90 days after the date the written complaint was filed." Thus, the deadline for Board action in this docket is November 27, 2000, and the Board is docketing this matter and establishing a procedural schedule that will satisfy that requirement.

The Board also finds that the limited time available for this proceeding means that the 14-day period for responding to motions, set forth in 199 IAC 7.7(11), and the 7-day period for responding to data requests, See 199 IAC 7.7(2), are impractical in this proceeding. The Board will order that responses or objections to all motions and data requests must be filed or provided within five days of the date the motion is filed or the data request is served. In order to accommodate that abbreviated time frame, parties are directed to serve all motions and data requests by facsimile transfer or electronic mail, as well as by United States mail, on or before the date of filing.

Finally, on August 30, 2000, the Board issued an order scheduling a hearing on LTDS's request for immediate relief during the pendency of this matter. On September 11, 2000, the parties filed a joint motion stating they had entered into a written agreement with respect to the request for immediate relief and asking the

Board to cancel the hearing on that request. The parties also asked that “the Board send appropriate written notice to all Iowa local exchange carriers” of the pendency of this proceeding and their right to petition to intervene. The Board will grant the joint motion to cancel the hearing on the request for immediate relief. The Board will deny the request that it send written notice to all Iowa local exchange carriers regarding this proceeding; if the parties believe other persons may be necessary or useful participants in this docket, they may seek to make those persons parties through specific motions. The Board does not normally issue general invitations to participate in complaint proceedings.

IT IS THEREFORE ORDERED:

1. The complaint filed on August 28, 2000, by LTDS Corporation against Iowa Telecommunications Services, Inc., is docketed for investigation as Docket No. FCU-00-4.
2. The following procedural schedule is established for this proceeding:
 - a. LTDS and any intervenors shall file any prepared direct testimony, with supporting exhibits and workpapers, on or before October 16, 2000.
 - b. Iowa Telecom shall file any rebuttal testimony, with supporting exhibits and workpapers, on or before October 26, 2000.
 - c. A hearing for the purpose of receiving testimony and cross-examination of all testimony will commence at 10 a.m. on November 8,

2000, in the Board's hearing room at 350 East Maple Street, Des Moines, Iowa. Parties shall appear at the hearing one-half hour prior to the time of hearing to mark exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Board at 515-281-5256 to request that appropriate arrangements be made.

d. Any party desiring to file a brief may do so on or before November 14, 2000.

3. In the absence of objection, all workpapers shall become a part of the evidentiary record at the time the related testimony and exhibits are entered in the record.

4. In the absence of objection, all data requests and responses referred to in oral testimony or cross-examination, which have not previously been filed with the Board, shall become a part of the evidentiary record. The party making reference to the data request or response shall file an original and six copies at the earliest possible time.

5. In the absence of objection, if the Board calls for further evidence on any issue and that evidence is filed after the close of hearing, the evidentiary record shall be reopened and the evidence will become a part of the evidentiary record five days after filing. All evidence filed pursuant to this paragraph shall be filed no later than seven days after the close of hearing.

6. Pursuant to 199 IAC 7.7(2) and (11), the time for filing responses or objections to data requests and motions will be shortened to five days from the date the motion is filed or the data request is served. All data requests and motions should be served by facsimile transfer or by electronic mail, in addition to United States mail.

7. The joint motion to cancel the hearing on LTDS's request for immediate relief, filed by both parties on September 11, 2000, is granted.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Sharon Mayer
Executive Secretary, Assistant to

/s/ Diane Munns

Dated at Des Moines, Iowa, this 6th day of October, 2000.